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2. Reclamation's letter to GRIC dated December 26, 2019 approving GRIC's Extraordinary Conservation ICS Plan of Creation for Calendar Year 2020.
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GILA RIVER INDIAN COMMUNITY ICS PLAN OF CREATION 2020

The Gila River Indian Community (Community) proposes creating Intentionally Created Surplus (ICS) pursuant to Exhibit T and this Plan of Creation (Plan).

I. Project Description.

The Community is entitled to 311,800 acre-feet per year (AFY) of CAP Water, consisting of Colorado River Water and other Project Water as defined in the Repayment Stipulation¹, which is delivered through the Central Arizona Project (CAP Water). During calendar year 2020 the Community will reduce the quantity of CAP Water requested for delivery. The Community will conserve water by forgoing opportunities to deliver CAP Water to Groundwater Savings Facilities (GSF) and Underground Storage Facilities (USF) where the Community would have otherwise stored CAP Water for the purpose of creating long-term storage credits, the future sale of which would have generated revenue.

Community anticipates that its initial 2020 CAP Water Delivery Schedule, which is due October 1, 2019, will reflect the following:

<u>Location of Deliveries/Conservation</u>	<u>Oct. 1, 2019 Estimated Schedule</u>
Off-Reservation Deliveries: 3rd Party Use	
Lease	84,635
Exchange	42,587
Off-Reservation Deliveries: Storage	
USF	-
GSF	59,578
On-Reservation Deliveries	
Irrigation	12,000
USF	30,000
Conservation	
Creation of EC ICS	83,000
Creation of System Conservation Water	-
Total 2020 Colorado River/CAP Water Order	311,800

¹ Repayment Stipulation means the Stipulated Judgement and the Stipulation for Judgement entered on November 21, 2007, in the United States District Court for the District of Arizona in Central Arizona Water Conservation District v. United States, et. al., and numbered CIV 95-625-TUC-WBD (EHC) and CIV 95-1720-PHX-EHC.

As shown in the table above, pursuant to this Plan the Community intends to forgo delivery of up to 83,000 acre-feet of its CAP Water entitlement for calendar year 2020 that would have been delivered to GSFs/USFS and instead create ICS.

The Community does not intend on participating in another conservation program (e.g., system conservation) in calendar year 2020.

II. Term of the Activity.

The Community will begin its ICS creation plan on or about January 1, 2020, and continue through December 31, 2020.

III. Estimated Amount of ICS.

The Community estimates that it will conserve up to 83,000 acre-feet of water.

IV. Historic of Use of CAP Water.

As set forth in Exhibit T, the Community’s historic use of CAP Water is the average of the highest four out of the rolling five-year deliveries, not including the immediate, preceding year. As shown in the table below, between years 2014 to 2018, the average of the highest four years of CAP Water deliveries for the Community’s use during this period is 241,980 acre-feet.

Year	Off-Reservation Deliveries: Storage (GSF/USF)	On-Reservation Deliveries for Irrigation/Storage (Includes System Conservation Water)	Total Use
2014	178,592	56,843	235,435
2015	166,018	31,988	198,006
2016	174,170	68,093 ²	242,263
2017	148,765	94,960 ³	243,725
2018	191,691	54,807	246,498
Average of Highest Four Years	173,305	68,676	241,980

The Community’s highest four-year average total use during this period is 241,980 acre-feet (Total Use Baseline). During these years (2014, 2016, 2017 and 2018) the average volume of

² This amount includes 10,000 acre-feet of system conservation water the Community left in Lake Mead in 2016, but would have otherwise used to create Storage Credits.

³ This amount includes 80,000 acre-feet of system conservation water that the Community left in Lake Mead in 2017, but would have otherwise used to create Storage Credits.

off-Reservation GSF/USF delivery is 173,305 acre-feet. During these years the average volume of on-Reservation irrigation, on-Reservation USF delivery, and system conservation is 68,676 acre-feet during this period.

V. Methodology for Verification of the Amount of Conserved Water.

The Community proposes the following process for Reclamation's verification of the amount of water conserved to create ICS.

A. Schedule ICS: Subject to the limitation expressed in Paragraph V. B. below, the Community will schedule up to 83,000 acre-feet of its CAP Water to be left in Lake Mead for ICS as described in Paragraph I. The CAP Water that the Community intends to leave in Lake Mead to create ICS under this Plan would have been used for off-Reservation storage. Pursuant to this Plan the Community will submit a 2020 CAP Water Delivery Schedule to forgo delivery of up to 83,000 acre-feet of its CAP Water entitlement for calendar year 2020 to create ICS, which would reduce the volume of water that would have been used for off-Reservation storage by up to 83,000 acre-feet.

B. Total Volume of CAP Water Available for ICS: In order to not exceed its 2020 historic use limit of 241,980 acre-feet, in 2020 the Community may request ICS in an amount equal to the lesser of the amount of CAP Water conserved under this Plan up to 83,000 acre-feet, or the Total Baseline less:

1. CAP Water used on-Reservation in 2020;
2. CAP Water delivered to off-Reservation GSFs in 2020; and
3. CAP Water delivered to off-Reservation USFs in 2020.

C. Verification of Ability to Use Colorado River Water in 2020: By February 28, 2021, the Community will provide Reclamation with a Certification Report containing the following Documentation:

1. The Community's written a 2020 CAP Water Delivery Schedule referred to in Paragraph V. A. above.
2. The Community's letter submitted to CAWCD and Reclamation in which the Community provides documentation demonstrating that (i) the amount of conserved water used to create ICS, (ii) GSFs/USFs were physically capable of accepting delivery of CAP Water, (iii) the Community is forgoing storage in 2020, and (iv) the Community intended, absent ICS, to utilize the available capacity for storage in 2020.
3. Documentation, attached to the Community's letter described in Paragraph C.2. above that will demonstrate that the Community could have had CAP Water delivered to GSFs/USFs in 2020, shall include letters from GSFs/USFs identified in the Community's certification letter that indicate GSFs'/USFs':

- a. Total permitted storage capacity;
 - b. Total available storage capacity; and
 - c. Desire to take delivery of the Community's CAP Water in 2020.
4. A letter agreement from CAWCD to amend its 2020 CAP Water order with Reclamation to reduce CAWCD's diversion by 83,000 acre-feet to ensure that the water intended to create ICS remains in Lake Mead.

D. Verification of Community's 311,800 AFY Entitlement Maximum Is Not Exceeded: In order to ensure that the Community does not exceed its annual entitlement, by February 28, 2021, the Community will provide Reclamation with a Certification Report containing documentation that the sum of CAP Water (i) delivered to the Community's Reservation in 2020, (ii) delivered to off-Reservation GSFs/USFs in 2020, (iii) delivered to third-parties pursuant to leases and/or exchanges in 2020, and (iv) used to create EC ICS pursuant to Exhibit T does not exceed 311,800 acre-feet.

VI. Documentation Regarding Necessary Permits.

The Community will provide Reclamation with the Community Water Storage Permits for all USFs/GSFs where the Community intends to store water in 2020, absent ICS.



United States Department of the Interior

BUREAU OF RECLAMATION
Lower Colorado Regional Office
P.O. Box 61470
Boulder City, NV 89006-1470

IN REPLY REFER TO:

LC-4220
2.2.4.23

DEC 26 2019

CERTIFIED – RETURN RECEIPT REQUESTED

Honorable Stephen Roe Lewis
Governor
Gila River Indian Community
P.O. Box 97
Sacaton, AZ 85147-0097

Subject: Approval of the Gila River Indian Community's (Community) Calendar Year (CY) 2020
Extraordinary Conservation (EC) Intentionally Created Surplus (ICS) Plan of Creation

Dear Governor Lewis:

The Bureau of Reclamation has received the Community's *Intentionally Created Surplus Plan of Creation, Calendar Year 2020* (ICS Plan). The Community's ICS Plan was submitted in fulfillment of the requirements set forth in Section XI.G.3.B of the 2007 Record of Decision for *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* (2007 Interim Guidelines) regarding the creation of ICS.

As described in the ICS Plan, the Community will conserve up to 83,000 acre-feet (AF) of Colorado River water in CY 2020 by forgoing opportunities to deliver a portion of its Central Arizona Project water entitlement to Groundwater Savings Facilities and Underground Storage Facilities. Absent the creation of ICS, the Community would have stored this water for the purpose of creating long-term storage credits. The Community's EC ICS project is described in and incorporated as *Lower Basin Drought Contingency Operations* (LBOps) Exhibit T.

Reclamation has reviewed the Community's ICS Plan and confirms that it contains all necessary information required by Section XI.G.3.B of the 2007 Interim Guidelines. In accordance with Section XI.G.7.B.5 of the 2007 Interim Guidelines, Reclamation has consulted with the Basin States regarding the Community's ICS Plan.

Based upon Reclamation's review of the Community's ICS Plan and completion of the consultation process, I approve the Community's CY 2020 ICS Plan for the creation of up to 83,000 AF of EC ICS for storage in the Community's Lake Mead ICS Account.

Reclamation notes that the total amount of EC ICS approved for creation in the state of Arizona is approximately 153,000 AF,¹ which exceeds the state's annual creation limit set forth in Section

¹In addition to the 83,000 AF approved for the Community, the Colorado River Indian Tribes has been approved to create up to 3,736 AF, the Mohave Valley Irrigation and Drainage District has been approved to create up to 6,137 AF, and the Central Arizona Water Conservation District has been approved to create up to 60,468 AF of EC ICS in CY 2020.

XI.G.3.B.4 of the 2007 Interim Guidelines. In a joint letter dated October 15, 2019, the Arizona Department of Water Resources (ADWR), The Metropolitan Water District of Southern California (MWD), and the Southern Nevada Water Authority (SNWA) informed Reclamation of their intent to share ICS creation capacity in CY 2020 in accordance with Section IV.B of LBOps. As noted in that letter, ADWR, MWD, and SNWA will coordinate, in consultation with Reclamation, on the specific volumes of shared creation capacity to ensure the maximum EC ICS creation in CY 2020 remains within the total annual limitation set forth in Section XI.G.3.B.4 of the 2007 Interim Guidelines (625,000 AF). Pursuant to Section IV.B of LBOps, sharing of EC ICS creation capacity requires authorization by the Secretary of the Interior.

Section XI.G.3.B.1 of the 2007 Interim Guidelines provides that, subject to approval by Reclamation, the Community may modify its approved ICS Plan during the year of creation. In accordance with Section XI.G.3.D.1 of the 2007 Interim Guidelines, the Community is required to submit a Certification Report to the Regional Director demonstrating the amount of EC ICS created and that the method of creation was consistent with the Community's approved ICS Plan.

If you have questions, please contact Mr. Jeremy Dodds, Water Accounting and Verification Group Manager, at 702-293-8164 or jdodds@usbr.gov.

Sincerely,



Terrance J. Fulp, Ph.D.
Regional Director

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United States Department of the Interior

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IN REPLY REFER TO:
LCB-4220
2.2.4.23

May 7, 2021

VIA ELECTRONIC MAIL ONLY

Honorable Stephen Roe Lewis
Governor
Gila River Indian Community
P.O. Box 97
Sacaton, AZ 85147-0097

Subject: Verification of Extraordinary Conservation (EC) Intentionally Created Surplus (ICS)
Created by the Gila River Indian Community (Community) in Calendar Year (CY)
2019

Dear Governor Lewis:

The Bureau of Reclamation has received the Community's *2019 Intentionally Created Surplus (ICS) Certification Report* (Certification Report). The Community's Certification Report was submitted in fulfillment of the requirements set forth in Section XI.G.3.D of the 2007 Record of Decision for *Colorado River Interim Guidelines for Lower Basin Shortages and the Coordinated Operations for Lake Powell and Lake Mead* (2007 Interim Guidelines) regarding the accounting for ICS. In accordance with Section XI.G.3.D.2 of the 2007 Interim Guidelines, this letter provides the Community with notice of my determination regarding the amount of ICS created by the Community in CY 2019.

The Community's Certification Report documents that the Community created a total of 117,000 acre-feet (AF) of EC ICS in CY 2019 by reducing its delivery of its Central Arizona Project water entitlement. Absent the creation of ICS, the Community would have otherwise stored this water in Groundwater Savings Facilities in the Pinal Active Management Area operated by the Central Arizona Irrigation and Drainage District, Hohokam Irrigation and Drainage District, and Maricopa-Stanfield Irrigation and Drainage District.

Reclamation has reviewed the Community's Certification Report and confirms it adequately demonstrates the amount of ICS created and that the method of ICS creation was consistent with the Community's approved ICS Plan of Creation,¹ *Lower Basin Drought Contingency Operations* (LBOPs) ICS Exhibit T, and the *Delivery Agreement Between the United States and*

¹ Reclamation approved the Community's *Intentionally Created Surplus Plan of Creation, Calendar Year 2019* by letter dated August 13, 2019.

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ARIZONA, CALIFORNIA*, NEVADA*

* PARTIAL

the Gila River Indian Community (Agreement No. 19-XX-30-W0651). Therefore, I verify and make the final determination that the Community created 117,000 AF of EC ICS in CY 2019, prior to accounting for the one-time deduction of 10 percent for the benefit of additional system storage, as specified in Section IV.A.2 of LBOps.

Thank you for submitting the Community's Certification Report. If you have questions, please contact Mr. Jeremy Dodds, Water Accounting and Verification Group Manager, at (702) 293-8164 or jdodds@usbr.gov.

Sincerely,

**STACY
WADE**

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16:00:17 -07'00'

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Acting Regional Director
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